IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

MFA.No. 1183 of 2002

(O.P.(MV)972/96 OF THE MACT, MANJERI)

APPELLANT: PETITIONERS 2 TO 9

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1. NEDUMPALLY NAFEESA, AGED 41 YEARS
W/O. ASSANKUTTY, VALIYAPEEDIYAKKAL HOUSE,
PANNIPPARA P.O., EDAVANNA(VIA), MALAPPURAM DIST.

2. SAJEENA AGED 22 YEARS, D/O. ASSANKUTTY,
DO. DO.

3. MOHAMMED ASHRAF, AGED 19 YEARS,
S/O. ASSANKUTTY, DO.

4. MOHAMMED SHERIF, AGED 17 YEARS (MINOR)
S/O. ASSANKUTTY, DO.

5. MOHAMMED SALEEM, AGED 15 YEARS (MINOR)
S/O. ASSANKUTY, DO.

6. SHAHIRA, AGED 9 YEARS (MINOR)
D/O.ASSANKUTTY, DO.

7. VALIYAPEEDIYEKKAL UNNIMAMMEDAJI,
AGED 64 YEARS, S/O. JAMALUDHEEN HAJI, DO.

8. VALIYAPEEDIYEKKAL ABDUL KAREM, AGED 42
YEARS S/O. JAMALUDHEEN HAJI, DO.

(APPELLANTS 4 TO 6 ARE MINORS AND THEY ARE
REPRESENTED BY THEIR MOTHER AND GUARDIAN
NEDUMPALLY NAFESSA THE 1ST APPELLANT HERIN)

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS: RESPONDENTS

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1. ABDUL VAHAB S/O. HAMAZA, POTHUKAL, BHOOTHANAM, ERNAD TALUK, MALAPPURAM DISTRICT (DRIVER OF PICK UP VAN KL-9/218)

2. M.K.EAPEN @ ACHANKUNJU S/O APPACHAN, MANNIL HOUSE, POTHUKAL, BHOOTHANAM, ERNAD TALUK, MALAPPURAM DISTRICT (OWNER OF PICK UP VAN KL-9/218)

3. UNITED INDIA INSURANCE CO. LTD., BRANCH OFFICE, MALAPPURAM.

BY ADV. SRI.BABU S. NAIR
ADV.SRI.P.K.SANTHAMMA

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

M.F.A.No.1183 of 2002

Dated this the 3rd day of December, 2007

JUDGMENT

Radhakrishnan, J.

An amount of Rs. 10,000/- was awarded by the Tribunal as compensation for loss of consortium. Considering the age of the deceased, we are inclined to grant an additional amount of Rs. 10,000/- as compensation for loss of consortium. No amount was grated by the Tribunal for love and affection. Claimants are the wife and 5 minor children. In such circumstances, an amount of Rs. 20,000/- is granted for love and affection. Consequently, the appellants are entitled to a total additional compensation of Rs. 30,000/- (Rupees thirty thousand) which would carry interest at the rate of 7.5% from the date of petition till the date of payment.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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